United Nations S/PV.4820 (Part II)

Security Council

Fifty-eighth year

Provisional

4820th meeting

Friday, 12 September 2003, 10.30 a.m.
New York

President:	Sir Emyr Jones Parry	(United Kingdom of Great Britain and Northern Ireland)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	Chile	Mr. Maquieira
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Sow
	Mexico	Mr. Aguilar Zinser
	Pakistan	Mr. Khalid
	Russian Federation	Mr. Gatilov
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Mekdad
	United States of America	Mr. Cunningham

Agenda

Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America (S/23306, S/23307, S/23308, S/23309 and S/23317)

Letter dated 15 August 2003 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/2003/818)

Letter dated 15 August 2003 from the Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the President of the Security Council (S/2003/819)

Voting on draft resolution S/2003/824

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-49743 (E)

The meeting was called to order at 10.45 a.m.

Expression of sympathy for the Minister for Foreign Affairs of Sweden

The President: I am sure I speak for all colleagues when I express our deepest sympathy over the tragic murder of the Swedish Foreign Minister, Anna Lindh.

Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America (S/23306, S/23307, S/23308, S/23309 and S/23317)

Letter dated 15 August 2003 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/2003/818)

Letter dated 15 August 2003 from the Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the President of the Security Council (S/2003/819)

Voting on draft resolution S/2003/824

The President: I should like to inform the Council that I have received a letter from the representative of the Libyan Arab Jamahiriya, in which he requests that he be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in conformity with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Own (Libyan Arab Jamahiriya) took a seat at the Council table.

The President: The Security Council will now continue its consideration of the item on its agenda. In doing so, the Council is continuing its meeting as agreed on 9 September 2003.

Members of the Council have before them document S/2003/824, which contains the text of a draft resolution submitted by Bulgaria and the United Kingdom of Great Britain and Northern Ireland.

I should also like to draw the Council's attention to document S/2003/818, which contains the text of a letter dated 15 August 2003 from the Libyan Arab Jamahiriya, and document S/2003/819, which contains the text of a letter dated 15 August 2003 from the United Kingdom and the United States.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it (S/2003/824). Unless I hear any objection I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Angola, Bulgaria, Cameroon, Chile, China, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland

Abstaining:

France, United States of America

The President: There were 13 votes in favour, no votes against and two abstentions. The draft resolution has therefore been adopted as resolution 1506 (2003).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Cunningham (United States of America): Before I begin my statement on today's voting, I would first like to acknowledge and express appreciation for the presence of a number of family members of Pan Am 103 victims from several countries, who have travelled to be with us today. We recognize the loss of their loved ones and wish to convey our deepest sympathy for their many years of suffering.

On 21 December 1988, the lives of 270 innocent men, women and children, representing over 20 different nationalities, were tragically cut short when Pan Am flight 103 exploded over Lockerbie, Scotland. In 1992, after proof of Libya's responsibility for the bombing had been uncovered, the United Nations imposed sanctions on Libya. Since that time, the United States Government has worked with the

Government of the United Kingdom, the families of the Pan Am 103 victims and other members of the international community to ensure that Libya fulfilled a number of demands, including surrender of the two suspects for trial, acceptance of responsibility for the actions of its officials and payment of appropriate compensation.

United Nations sanctions were suspended in 1999 after Libya fulfilled one demand by transferring the two Libyan suspects for trial before a Scottish court sitting in the Netherlands. One defendant, Abdel Basset al-Megrahi, was convicted by the court of murder in 2001, and a Scottish appellate court upheld that conviction in 2002. Megrahi is currently serving a life sentence in a Scottish prison.

Libya has now addressed the remaining United Nations requirements related to the Pan Am 103 bombing. Among other steps, it has formally stated that it accepts responsibility for the actions of its officials and made arrangements to pay compensation to the families of the victims in accordance with an agreement worked out directly between them. Although nothing can bring back their loved ones, the hundreds of family members who have suffered for the past 15 years can take some measure of solace from these long-awaited steps.

In recognition of these steps, and to allow the families' settlement to go forward, the United States has not opposed the formal lifting of the United Nations sanctions on Libya. As stated in the joint letter from the United States and United Kingdom to the President of the Council on 15 August, we expect Libya to adhere scrupulously to the commitments it has now made to the Council to cooperate in the international fight against terrorism and to cooperate with any further requests for information in connection with the Pan Am 103 investigation.

Our decision, however, must not be misconstrued by Libya or by the world community as tacit United States acceptance that the Government of Libya has rehabilitated itself. The United States continues to have serious concerns about other aspects of Libyan behaviour, including its poor human rights record, its rejection of democratic norms and standards, its irresponsible behaviour in Africa, its history of involvement in terrorism, and — most important — its pursuit of weapons of mass destruction and their means of delivery.

Libya is actively pursuing a broad range of weapons of mass destruction and is seeking ballistic missiles. In those efforts, it is receiving foreign assistance, including from countries that sponsor terrorism. Libya's continued nuclear infrastructure upgrades raise concerns. Tripoli is actively developing biological and chemical weapons. The United States will intensify its efforts to end Libya's threatening actions. This includes keeping United States bilateral sanctions on Libya in full force.

In its compensation settlement with the Pan Am 103 families, Libya has tied the payment of some of the available funds to changes in United States bilateral measures related to Libya, something clearly outside the scope of the United Nations requirements. Furthermore, Libya has imposed an eight-month time limit during which these steps must be taken, unless it agrees otherwise. We hope that, by doing this, Libya is signalling that it intends to move quickly to address the concerns that underlie the United States measures. We also urge that Libya do so in order for the families to receive the balance of the available funds.

Nonetheless, the United States cannot guarantee that Libya will take the required steps and we would not want our vote on the resolution lifting sanctions to be misconstrued as a decision now to modify United States bilateral measures, regardless of future Libyan behaviour. After all, it has taken Libya almost 15 years to address Pan Am 103. For this reason, and because of the concerns I have stated, the United States has abstained in the voting on this resolution.

Mr. De La Sablière (France) (*spoke in French*): The agreement reached yesterday between the representatives of the families of UTA flight 772 and the Qaddafi Foundation has allowed France not to oppose the lifting of sanctions against Libya. France welcomes this agreement, whereby conditions have been established for an equitable settlement of this painful matter, which, as members of the Council are aware, involves people of 17 nationalities — not only French, but also Africans, Americans and British citizens, in particular. The agreement generated a joint statement communicated to the members of the Council.

The lifting of sanctions against Libya is an important phase in the process of reintegrating that country into the international community. This normalization, which we encourage, presumes that

Libya will continue to make the necessary gestures beyond the requirements for the lifting of sanctions. France will be vigilant in ensuring that the agreement reached between the families of the victims of the bombing of the UTA flight and the Qaddafi Foundation are rapidly implemented. This is the substance of the position according to which France abstained in the voting on the resolution just adopted by the Security Council.

France urges Libya fully to comply with its assumed commitments. It also calls on Libya to take the measures expected of it on other issues that are critical to the international community, in particular to ensure an equitable settlement for victims of the attack on the La Belle discotheque in Berlin in 1986. We also intend to be vigilant with respect to all aspects involving human rights and combating terrorism.

France thanks the members of the Council and the families of the victims of the Lockerbie attack for the understanding they have shown throughout these recent weeks, particularly with respect to the latest postponement of the voting on the text.

Mr. Pleuger (Germany): We, too, recognize the presence of members of the families of the victims and would like to express our sympathy with them. We welcome the fact that compensation will be made available to them after such a long delay.

We are relieved that Libya has fulfilled the demands of the Security Council and thereby enabled the definitive lifting of sanctions by the Security Council. Libya has undertaken an important step to free itself from the burdens of the past. A further important step, however, remains to be taken. The victims and surviving dependents of the attack of the La Belle discotheque in Berlin have been waiting for compensation for the past 17 years. As a reminder, three people — two Americans and one Turkish woman — were killed and 231 seriously wounded, among them 56 American citizens. This was the horrendous result of that bomb attack.

We welcome the initial indications of a fundamental willingness on the part of Libya to compensate victims of that attack as well. We call upon Libya to reach an appropriate settlement with the representatives of the victims and surviving dependents without delay.

Mr. Tafrov (Bulgaria) (*spoke in French*): Bulgaria welcomes the adoption of the resolution permitting the lifting of sanctions imposed against Libya, a country with which Bulgaria maintains very close and important relations.

Bulgaria co-sponsored this resolution out of a concern for equity. We have always maintained that once a country under sanctions fulfils the conditions imposed on it by the Council, the sanctions must be lifted. That was the case with Libya, with reference to the letter from the Chargé d'affaires a.i. at the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Council (S/2003/818) and the joint letter from you, Mr. President, as Permanent Representative of the United Kingdom, and the Permanent Representative of the United States (S/2003/819) informing the Council that those conditions had been met.

Bulgaria welcomes the fact that lifting the sanctions will make it possible for the Libyan Arab Jamahiriya to be fully integrated into international life. We believe that this day may mark a new departure in the relationship between Libya and the international community as a whole.

Mr. Khalid (Pakistan): Pakistan has voted in favour of this resolution, as it lifts the United Nations sanctions against fraternal Libya. The resolution will also have the effect of dissolving the Libya sanctions Committee and removing this item from the agenda of the Security Council. We are glad that, with today's vote, the sad chapter on Lockerbie and the sanctions against Libya is coming to a close.

Pakistan unequivocally condemns terrorism. Yet, the people of Libya have paid a high price with the sanctions imposed collectively on them. Pakistan has consistently held that sanctions always have unintended consequences. The brotherly people of Libya have faced severe hardship and untold suffering. We are happy that the longstanding suffering of the fraternal Libyan people, under the weight of those sanctions, is now coming to an end.

During negotiations on this resolution, the Council was faced with the challenge of how to address the issue of compensation for the victims of the Union de transports aeriens (UTA) flight. We understand the French position, given the humanitarian aspects of the issue. We are glad that an agreement has been reached between France and the Libyan authorities that has

enabled this resolution to move forward. Nevertheless, we would like to note that the primary Charter responsibility of the Security Council is the maintenance of international peace and security. Adjudication of issues such as compensation should appropriately rest with other relevant organs within the United Nations system, as envisaged in the Charter. If that approach had been followed, we could have avoided acrimony, a strain on Council unity and a delay in the final lifting of the sanctions.

Mr. Gatilov (Russian Federation) (*spoke in Russian*): The Russian Federation voted in favour of the draft resolution on the full lifting of sanctions against Libya on the basis of its principled position that restrictive measures under Chapter VII of the Charter must immediately cease once all Security Council requirements have been met.

We are convinced that the issue of lifting the sanctions against Libya has long been ripe for consideration. In the past five years Libya has turned over two suspects in the Lockerbie matter for trial, has provided the French judiciary bodies with all the necessary information to complete the trials related to the Union de transports aeriens (UTA) flight and has signed a range of international and regional agreements to counter terrorism. It has also demonstrated repeatedly its commitment to combating this threat to international peace and security. As such, Libya has fully met its commitments under Security Council resolutions 731 (1992) and 748 (1992), creating the necessary prerequisites to fully close this issue.

Despite the suspension of action related to sanction measures by the Council in 1998, the political image of this country has been undermined because we were delayed in resolving the question of lifting the sanctions. We believe it important that the Security Council has been able to take decisions to close the chapter on this complex issue.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): A short time ago we adopted resolution 1506 (2003), something we should have done many years ago.

Syria is pleased at the lifting of sanctions against the fraternal people of Libya. It has voted in favour of the resolution because it was the result of an understanding reached between all the parties concerned. Syria, which has expressed its condolences to the families of the victims, also recognizes that the fraternal people of Libya have suffered a long time because of the siege and the unjust sanctions imposed against them. Syria believes that the Council must not impose sanctions that will adversely impact the civilian population and that will expose children, women and men to suffering under collective sanctions that are unacceptable under international law and the Charter.

Ms. Menéndez (Spain) (*spoke in Spain*): We too recognize the presence of family members of the victims of the tragic terrorist attacks.

Spain welcomes the adoption of resolution 1506 (2003). It not only ends the alienation of a country like Libya from the international community, but it also reflects recognition of an improvement in the relations of that country with the international community. For a country like Spain, which is so clearly committed to the fight against terrorism, the act of proclaiming the renunciation of terrorism as an instrument of political action is a source of great satisfaction.

The assumption of responsibilities by the Libyan regime has also made possible the circumstances necessary for the adoption of this resolution.

We therefore welcome the lifting of the sanctions regime against Libya, which demonstrates that an aspect of international tension has been overcome and which should prompt us to continue to strive for the resolution of other conflicts.

The President: There being no other speakers on my list, I will now make a statement in my capacity as a representative of the United Kingdom.

The bombing of Pan Am 103 over Lockerbie on 21 December 1988 was the worst single terrorist incident on United Kingdom territory. Two hundred and seventy people were murdered, and their families and friends have endured continuing pain and grief.

Since that outrage, the authorities in the United Kingdom have worked carefully and deliberately to bring the Libyan official al-Megrahi to justice for that act. The arrangements for the trial and appeal were made in accordance with the Security Council resolution. The Council also placed sanctions on Libya until certain requirements were met, sanctions being the only means of actually delivering justice.

Libya has now met those requirements. It has accepted responsibility and has agreed to pay a substantial sum of compensation to the relatives of those who were

murdered. Libya has agreed to cooperate with any further Lockerbie investigation and has renounced terrorism. Libya's renunciation of terrorism is the first time in the modern era that a State has unequivocally renounced to the United Nations the use of terror as an instrument of policy. As a demonstration of that position, Libya has signed the 12 international conventions on the fight against terrorism. The United Kingdom welcomes Libyan cooperation in the fight against international terrorism.

For all the above reasons, the United Kingdom, with Bulgaria, sponsored and supported the resolution to lift the sanctions on Libya. We expect Libya to abide by the commitments and obligations it has entered into as part of the agreement.

As this case demonstrates, the United Kingdom will pursue those responsible for terrorism. The perpetrators and sponsors will have to account for their actions, however long it takes. Although nothing can bring back those who died in Lockerbie, we hope this decision today — and more importantly, what it represents — will bring some measure of comfort to their relatives and friends. The agreement was the result of patient diplomacy based on clear points of principle and was the culmination of many years of hard work. But it does show that it is possible to find a way through and forward through commitment, dialogue and cooperation.

We welcome the fact that the families of UTA flight 772 have also now been able to reach agreement with the Qadhafi Foundation over further compensation payments.

The United Kingdom condemns terrorism in all its manifestations. There can be no justification for terrorist acts. In that context we also recall the horrific bombing of the La Belle disco in Berlin in 1986. Three people died and over 200 were injured. Three Libyan officials were subsequently found guilty of attempted murder. In complying with the requirements of the Security Council, including on the renunciation of terrorism, Libya has made a continuing commitment to the international community to abide by new standards of behaviour. We urge Libya to demonstrate that commitment now by implementing the agreement with the UTA families in full and by ensuring that full comfort is given to the families of the victims of the La Belle disco. We look forward to the full re-emergence of Libya into the international community.

I now resume my function as President of the Security Council.

There are no further speakers inscribed on my list. The Security Council has thus concluded the business on its agenda.

The meeting rose at 11.15 a.m.